

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WAYNE/SCOTT FETZER COMPANY D/B/A
WAYNE COMBUSTION SYSTEMS
Employer

and

MATTHEW ALAN PASSWATER
Petitioner

Case 25-RD-256161

and

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, AFL-CIO AND ITS
LOCAL 903-2
Union

ORDER

The Employer's Request for Review of the Regional Director's Order Directing Hearing and Notice of Hearing on Objections is denied¹ as it raises no substantial issues warranting review.²

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., September 24, 2020.

¹ Member Emanuel would grant review solely with respect to the second rejected offer of proof described in section C, paragraph g of the Regional Director's Order. In his view, the Employer has shown that the second rejected offer of proof specifies sufficient facts to warrant setting it for hearing and to permit it to introduce evidence relating to that offer of proof at the hearing.

² We reject the Union's argument in its Opposition that the Employer's Request for Review is procedurally deficient. Under the version of Sec. 102.67(c) of the Board's Rules and Regulations that applies in this case, a party may file a request for review with the Board, with a copy to the Regional Director, no later than 14 days after a final disposition of the proceeding by the Regional Director. The Regional Director's Order Directing Hearing and Notice of Hearing on Objections does not amount to a final disposition of the proceeding. The Order erroneously included the April 7 due date for filing a request for review.

Members Kaplan and Emanuel note that there may be an important issue to be considered in a future case about whether the Board's critical-period policy established in *Ideal Electric and Mfg. Co.*, 134 NLRB 1275 (1961), adequately protects employees from election interference by coercive threats made immediately prior to the filing of an election petition.